

the seizure and condemnation of 60 bottles of Big G, remaining in the original unbroken packages at Richmond, Va., alleging that the article had been shipped by the Evans Chemical Co., Cincinnati, Ohio, on or about July 13, 1918, and transported from the State of Ohio into the State of Virginia, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of a dilute aqueous solution of borax and berberine.

Misbranding of the article was alleged in substance in the libel and the amendment thereto for the reason that certain statements appearing on the cartons and bottles containing the article and in the booklet accompanying the article, to wit, (carton) " * * * a remedy for Catarrh, Hay Fever, and Inflammations, Irritations or Ulcerations of mucous membranes or Linings of the Nose, Throat, Stomach and Urinary Organs * * *," (bottle) " * * * a Non-poisonous Tonic. A Treatment for Unnatural Discharges of the urinary organs, * * * Inflamed, Ulcerated, Itching conditions of the skin and mucous membrane or linings of the Mouth, Nose, Throat, Eye and Ear," (booklet) " * * * Catarrh—Chronic, of the Head, * * * Inflammation of the Eye * * * Cystitis, Gastritis—Catarrh of the Stomach * * * Hemorrhoids—Piles * * * Gonorrhœa, Stricture, Folliculitis * * * Gonorrhœal Prostatitis, Spermatorrhœa, * * * Bubo, Gonorrhœal Cystitis. * * * As a preventive * * * Leucorrhœa—Whites—Catarrh of the Vagina * * * Gonorrhœa in Women," and certain other venereal diseases, were false and fraudulent in that the article did not contain any ingredient or combination of ingredients capable of producing the effects claimed for it.

On October 15, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

8544. Misbranding of Osgoods' Special Capsules. U. S. * * * v. 26 Dozen Cartons of Osgoods' Special Capsules. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 11014. I. S. No. 2933-r. S. No. W-446.)

On July 22, 1919, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 26 dozen cartons of Osgoods' Special Capsules, remaining in the original unbroken packages at Oakland, Calif., alleging that the article had been shipped by H. Planten & Son, Brooklyn, N. Y., May 12, and February 4, 1919, and transported from the State of New York into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of volatile gurjun oil, a phenolic compound, and a sulphurated fixed oil.

It was alleged in substance in the libel that the article was misbranded in violation of section 8, paragraph 3 of the Food and Drugs Act, as amended, for the reason that it was an article which might be used as a drug, and was labeled in part on the cartons, "Osgoods' Special Capsules a valuable remedy for difficult and obstinate cases of Gonorrhœa, Gleet, Urinary Affections, Inflammation of the bladder and all discharges * * * prepared for Osgoods' Drug Stores, Oakland, Cal. * * * a valuable remedy for * * * restoring the healthy condition of the mucous membranes in Gonorrhœa and kindred affections of the Urinary Organs. * * * in chronic and acute Gonorrhœa, Gleet, Cystitis, and Inflammation of the Bladder, stopping discharge in a few days * * *."

On November 8, 1919, Osgood Bros., Oakland, Calif., claimants, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered

by the court that the product be delivered to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$100, in conformity with section 10 of the act.

E. D. BALL, *Acting Secretary of Agriculture.*

8545. Adulteration and misbranding of canned tomatoes. U. S. * * * v. 1,629 Cases of Canned Tomatoes. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 11879. I. S. No. 14120-r. S. No. E-1921.)

On January 14, 1920, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,629 cases, each containing 24 cans of tomatoes, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Manteca Canning Co., Manteca, Calif., September 10, 1919, and transported from the State of California into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that tomato pulp had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for tomatoes.

Misbranding was alleged for the reason that the statement and design appearing on the label, to wit, "Anderson Brand Tomatoes * * * Anderson Quality Tomatoes," and the cut of a ripe, red tomato were false and misleading and deceived and misled the purchaser into the belief that the article consisted wholly of tomatoes, whereas it contained added tomato pulp. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, tomatoes.

On July 21, 1920, Charles A. Anderson & Co., New York, N. Y., claimant, having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$4,000, in conformity with section 10 of the act, conditioned in part that the product be relabeled by attaching to each panel of the label on each can below the word "Tomatoes" a pasteur or sticker containing the words "With Purée From Trimmings."

E. D. BALL, *Acting Secretary of Agriculture.*

8546. Misbranding of Avicol. U. S. * * * v. 8 Dozen Packages of Avicol. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12275. I. S. No. 7346-r. S. No. C-1795.)

On March 4, 1920, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 8 dozen packages of Avicol, at Memphis, Tenn., alleging that the article had been shipped by the Burrell-Dugger Co., Indianapolis, Ind., on or about June 24, and October 24, 1919, and transported from the State of Indiana into the State of Tennessee, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Carton) "For the Cure & Prevention of all Infectious Diseases of Chickens, Pigeons & Turkeys White Diarrhoea, Cholera, Roup, Colds, Canker, Limberneck, Going Light, Black-Head, Etc. * * * For prevention of all diseases of poultry * * *;" (circular) "* * * to make poultry healthy and keep them healthy * * *"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of tablets composed essentially of potassium bichromate, casein, sugar, starch, and talc.